

Message Text

CONFIDENTIAL

PAGE 01 TOKYO 18955 291035Z
ACTION DLOS-06

INFO OCT-01 EUR-12 EA-07 IO-13 ISO-00 SS-15 OES-06 EB-07
SP-02 L-03 FEA-01 ACDA-07 AGRE-00 AID-05 CEA-01
CEQ-01 CG-00 CIAE-00 CIEP-01 COME-00 DODE-00 DOTE-00
EPA-01 ERDA-05 FMC-01 TRSE-00 H-01 INR-07 INT-05
JUSE-00 NSAE-00 NSC-05 NSF-01 OMB-01 PA-01 PM-04
PRS-01 USIA-06 SAL-01 /128 W
-----291111Z 018906 /20

R 290924Z DEC 76
FM AMEMBASSY TOKYO
TO SECSTATE WASHDC 4462
INFO AMEMBASSY BONN
AMEMBASSY JAKARTA
AMEMBASSY KUALA LUMPUR
AMEMBASSY LONDON
AMEMBASSY MOSCOW
AMEMBASSY OTTAWA
AMEMBASSY PARIS
AMEMBASSY SEOUL
AMEMBASSY SINGAPORE
USMISSION USUN NEW YORK
USLO PEKING

C O N F I D E N T I A L TOKYO 18955

E.O. 11652: GDS
TAGS: PLOS, JA
SUBJECT: STRATEGY FOR INTERSESSIONAL CONSULTATIONS ON LAW OF THE
SEA

REF: STATE 298001

SUMMARY: CHIEF US OBJECTIVE VIS-A-VIS JAPAN DURING
LOS INTERSESSIONAL PERIOD SHOULD BE TO REASSURE TOKYO
THAT US COMMITMENT TO ATTAINMENT OF LOS CONVENTION REMAINS
UNDIMINISHED. UNILATERAL ESTABLISHMENT OF 200-MILE
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 TOKYO 18955 291035Z

EXCLUSIVE FISHING ZONE AND CHANGE IN ADMINISTRATIONS
HAS GIVEN RISE TO SOME DOUBT HERE. IDEA THAT US MAY
BE SOFTENING ON LOS QUESTIONS DEEMED FUNDAMENTAL TO
JAPAN -- E.G., MALACCA STRAITS REGIME -- IS
ALSO WORRISOME. EMBASSY URGES EARLY, HIGH-LEVEL
STATEMENT STRESSING CONTINUITY OF US POLICY AND INTERSESSIONAL

VISIT TO TOKYO BY SENIOR MEMBERS OF NEW US LOS
NEGOTIATING TEAM. END SUMMARY.

1. JAPANESE ARE DEVOTED TO IDEA OF GETTING COMPREHENSIVE
AND UNIVERSALLY RECOGNIZED LEGAL REGIME FOR THE
OCEANS. THEY AIM AT GETTING BEST POSSIBLE BARGAINED
OUTCOME AND THEY SEE NO TACTICAL ALTERNATIVE TO
CLOSE ALIGNMENT WITH US AND OTHER CONSERVATIVE POWERS
IN EFFORT TO FORESTALL REVOLUTIONARY EXCESSES. JAPANESE
ARE PRONE TO WORRY ABOUT US ON TWO COUNTS: ON ONE HAND,
THERE ARE NAGGING DOUBTS THAT US FULLY COMMITTED TO
ACHIEVEMENT OF LOS TREATY; ON OTHER HAND, WE SENSE
APPREHENSION HERE THAT US AND OTHER ALLIES MAY BE
SOFTENING ON POINTS OF PARTICULAR IMPORTANCE TO JAPAN.

2. US ESTABLISHMENT OF EXCLUSIVE FISHING ZONE (EFZ)
EARLY IN 1976 STUNNED JAPANESE, WHO HAD SET GREAT STORE
BY ASSURANCES THAT WE WOULD AVOID UNILATERAL ACTIONS
IN ABSENCE OF LOS TREATY. EFZ MOVE, ALTHOUGH SOFTENED
BY RECENT ACCEPTANCE HERE OF NOTION THAT TREND TOWARD
ENCLOSURE "IRREVERSIBLE," HAS GIVEN RISE TO WORRY THAT US
MAY SIMILARLY MOVE UNILATERALLY TOWARD EXPLOITATION OF
DEEP-SEABED MINERAL RESOURCES AND, BY SO DOING, PERHAPS
RENDER TREATY BEYOND REACH. JAPANESE ANXIETY OVER US COMMITMENT
TO LOS TREATY IS OVERPAID BY MORE DIFFUSE UNCERTAINTY PROMPTED
BY US CHANGE OF ADMINISTRATIONS. EMBASSY URGES,
THEREFORE, EARLY, HIGH-LEVEL STATEMENT STRESSING
CONTINUITY OF US RESOLVE TO SECURE REALISTIC TREATY.

3. THIS DONE, US COULD BEST MOVE TO UNDERScore
CONFIDENTIAL

CONFIDENTIAL

PAGE 03 TOKYO 18955 291035Z

INTIMACY OF US-JAPAN ALLIANCE ON LOS ISSUES AND OUR
SENSITIVITY TO KEY JAPANESE CONCERNS THROUGH VISIT
HERE BY SENIOR MEMBERS OF NEW US NEGOTIATING TEAM. WE
RECOGNIZE TIME PRESSURE ON US NEGOTIATORS, BUT BELIEVE
CONSULTATIONS IN JAPAN WOULD BE ENORMOUSLY BENEFICIAL. HELPFUL
AS GROUP OF FIVE HAS BEEN AS INSTRUMENT FOR FOSTERING JAPANESE
SENSE OF BEING "ON THE INSIDE." EMBASSY SEES NEED TO INFLUENCE
BROADER-GAUGE BUREAUCRATS TO WHOM GOJ LOS EXPERTS
REPORT; CERTAIN LOS-CONSCIOUS POLITICAL LEADERS; AND,
BECAUSE PUBLIC AWARENESS OF LOS ISSUES IS EXTRAORDINARILY
HIGH HERE, ON MEDIA. WE ARE CONFIDENT THAT GOJ LOS
MANAGERS WOULD WELCOME CONTRIBUTION SUCH CONSULTATIONS WOULD
MAKE TO THEIR EFFORT TO MAINTAIN HEALTHY RESERVOIR OF
DOMESTIC SUPPORT.

4. BY FAR MOST PROMINENT OF PAROCHIAL CONCERNS ON
WHICH GOJ WILL SEEK REASSURANCE FROM US IS
MALACCA STRAITS QUESTION. AS MALAYSIA AND INDONESIA

CONTINUE TO DEMAND RECOGNITION OF STRAITS STATES' RIGHT TO LIMIT DRAFT OF TRANSITING VESSELS, AND TO THREATEN MOVE TO REOPEN "STRAITS PACKAGE" IN LOSC IF FRUSTRATED, GOJ HAS GROWN APPREHENSIVE THAT US CONSIDERING CONCESSION ON PRINCIPLE OF UNIMPEDED TRANSIT AS LONG AS NAVAL VESSELS SEPCIFICALLY EXCEPTED. EVEN NOTION OF BINDING IMCO REVIEW OF STANDARDS SET BY STRAITS STATES CAUSES GOJ DEEP CONCERN.

5. EMBASSY URGES THAT PRE-CONFERENCE SECSTATE-FONMIN LETTERS, IF TACTIC EMPLOYED AGAIN, BE UNIQUELY DRAFTED WITH EYE TO SPECIFIC JAPANESE CONCERNS INsofar AS POSSIBLE. IN CONSIDERATION OF STEADFAST SUPPORT WE HAVE RECEIVED FROM GOJ ON LOS ISSUES, IT BEST TO AVOID IMPLICATION THAT JAPANESE CAN BE LUMPED WITH THIRD-WORLD STATES WHOSE COMMON CAUSE WITH US DURING NEGOTIATIONS HAS BEEN LESS EVIDENT. WITH VIEW TO MAINTAINING DOMESTIC SUPPORT, GOJ WOULD APPRECIATE PERMISSION TO BRIEF MEDIA
CONFIDENTIAL

CONFIDENTIAL

PAGE 04 TOKYO 18955 291035Z

SELECTIVELY ON SUCH AN EXCHANGE OF LETTERS.

6. FINALLY, EMBASSY WISHES AGAIN TO RECORD APPRECIATION OF EXCELLENT WASHINGTON SUPPORT OF USIS EFFORT TO PRESENT US CASE ON LOS HERE. VISITS OF US FISHERIES EXPERTS HAVE BEEN MOST HELPFUL, AND EMBASSY BELIEVES THAT SOME INTERNATIONAL LAW AND OR DEEP-SEABEDS EXPERTS COULD BE PROGRAMMED WITH SIMILAR SUCCESS. CARE IN PROGRAMMING JAPANESE WITH LOS INTERESTS SHO HAVE BEEN AWARDED EXCHANGE-VISITOR GRANTS TO US (SO FAR, FOUR FOR 1977) SHOULD ALSO PAY GOOD DIVIDENDS.
HODGSON

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: POLICIES, LAW OF THE SEA, PLANNING MEETINGS, NEGOTIATIONS
Control Number: n/a
Copy: SINGLE
Draft Date: 29 DEC 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: ellisoob
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976TOKYO18955
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D760474-1093
From: TOKYO
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t1976125/aaaaaeih.tel
Line Count: 151
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION DLOS
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 77 STATE 298001
Review Action: RELEASED, APPROVED
Review Authority: ellisoob
Review Comment: n/a
Review Content Flags:
Review Date: 15 APR 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <15 APR 2004 by BoyleJA>; APPROVED <03 AUG 2004 by ellisoob>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: STRATEGY FOR INTERSESSIONAL CONSULTATIONS ON LAW OF THE SEA
TAGS: PLOS, JA, US
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006